

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	
)	CASE NO. 17-53799-PMB
Edwina Irene Lawrence,)	
)	
Debtor.)	CHAPTER 7

)	
Edwina Irene Lawrence,)	
)	
Movant,)	
)	
vs.)	
)	
Andrea Smith,)	
)	
Respondent.)	

MOTION TO AVOID JUDICIAL LIEN

COMES NOW Edwina Irene Lawrence, Debtor, by and through counsel, and shows the Court as follows:

1.

The Respondent, Andrea Smith, is a debt collector doing business in the State of Georgia and is subject to the jurisdiction of this Court.

2.

Respondent has filed a judicial lien in the Magistrate Court of Fulton County, case number 15GC001368.

3.

The debtor filed a voluntary petition under Chapter 7 of the Bankruptcy Code in this Court on March 2, 2017.

4.

This “Motion to Avoid Judicial Lien” is filed by Debtor under 11 U.S.C. Section 522(f)(1) to avoid lien on property which the Debtor may exempt under 11 U.S.C. Section 522(b), to-wit, all real and personal property of the Debtor.

5.

The existence of Respondent’s lien on Debtor’s property impairs exemptions to which the Debtor is entitled under 11 U.S.C. Section 522(b).

WHEREFORE, Debtor-Movant prays:

(a) That this “Motion to Avoid Judicial Lien” be scheduled for a hearing and inquiry herein be made;

(b) That the Court declare null and of no effect Respondent’s lien on all real and personal property of the Debtor;

(c) That the Debtor be allowed to have possession of and clear title to all real and personal property; and

(d) That the Debtor has such other and further relief as the Court may deem just and proper.

Respectfully submitted August1, 2017.

/s/ Brett W. Clark

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Attorney for Debtor

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Respondent.)

**NOTICE OF REQUIREMENT OF RESPONSE TO MOTION TO AVOID JUDICIAL
LIEN ON EXEMPT PROPERTY AND OF TIME TO FILE SAME**

NOTICE IS HEREBY GIVEN that a “Motion to Avoid Judicial Lien” on exempt property pursuant to 11 U.S.C. Section 522 has been filed in the above-styled case on August 1, 2017.

NOTICE IS FURTHER GIVEN that, pursuant to BLR 6008-2 NDGA, the Respondent must file a response to the Motion within 21 days after service, exclusive of the day of service, and serve a copy of same on Movant. In the event no response is timely filed and served, then the Bankruptcy Court may enter an order granting the relief sought.

Respectfully submitted, this August 1, 2017.

/s/ Brett W. Clark

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Movant,)	
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Respondent.)	

CERTIFICATE OF SERVICE

I the undersigned certify under penalty of perjury that I have this date served the following parties with a copy of the within “Notice of Requirement of Response to Motion to Avoid Judicial Lien on Exempt Property and of Time to File Same” and “Motion to Avoid Judicial Lien” by placing true copies of same in the United States Mail with adequate postage affixed to insure delivery, addressed as follows:

Neil C. Gordon, Chapter 7 Trustee
Suite 2100
171 17th Street, NW
Atlanta, GA 30363

Edwina Irene Lawrence
1408 Richland Rd. SW
Atlanta, GA 30310

Via Certified Mail:
Andrea Smith
4360 Miners Creek Rd
Lithonia, GA 30038

In a properly addressed envelope with adequate first class postage affixed to assure delivery and depositing in the United States Mail.

Dated: August 1, 2017.

/s/ Brett W. Clark

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